

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

STEVEN P. KELLY, ESQUIRE  
Stern & Eisenberg, PC  
1040 N. Kings Highway, Suite 407,  
Cherry Hill, New Jersey 08034  
Telephone: (609) 397-9200  
FACSIMILE: (856) 667-1456  
(COUNSEL FOR MOVANT)

In Re:  
Dalton R. Davis  
Debtor

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HSBC Bank USA, National Association, as Indenture  
Trustee of the Fieldstone Mortgage Investment Trust,  
Series 2005-3, by its servicer Ocwen Loan Servicing,  
LLC

Creditor/Movant

v.  
Dalton R. Davis  
Respondent



Order Filed on January 26, 2017  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

Case Number: 14-21887-ABA


Chapter 13

Judge: Andrew B. Altenburg, Jr.

ORDER APPROVING STIPULATION/CONDITIONAL ORDER RESOLVING MOTION TO  
REINSTATE THE AUTOMATIC STAY

The relief set forth on the following pages, numbered two (2) through three (3) is  
hereby **ORDERED**.

DATED: January 26, 2017

  
\_\_\_\_\_  
Honorable Andrew B. Altenburg, Jr.  
United States Bankruptcy Court

(page 2)

Debtor: Dalton R. Davis

Case Number: 14-21887-ABA

Caption of Order: Order Approving Stipulation/Conditional Order Resolving the Motion to Reinstate the Automatic Stay

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Upon the Motion to Reinstate the Automatic Stay by Debtor and the Opposition of HSBC Bank USA, National Association, as Indenture Trustee of the Fieldstone Mortgage Investment Trust, Series 2005-3, by its servicer Ocwen Loan Servicing, LLC (Creditor) through its Counsel Stern & Eisenberg PC, attorneys for secured creditor, under Bankruptcy Code (section 362(d), et al.) for relief from the automatic stay as to certain property, 219 South Second Street, Vineland, NJ 08360 ("Property"), and the entry of the Order resolving the Motion to Reinstate the Automatic Stay and for cause shown, it is hereby ORDERED and DECREED as follows:

1. At the date of this Order, Dalton R. Davis ("Debtor") acknowledges that Debtor is due for the following post-petition regular monthly payments from April 1, 2016 to December 1, 2016 as follows:
  - a. Monthly payments total (\$1,289.84/4 mos.).....\$5,159.36  
(04/01/2016 to 07/01/2016)
  - b. Monthly payments total (\$1,399.29/5 mos.).....\$6,996.45  
(08/01/2016 to 12/01/2016)
  - c. Suspense.....(\$76.75)
  - d. Attorney fees and costs.....\$700.00
  - e. Total arrears as of date of Order.....\$12,779.06
2. Debtor shall cure the above Arrears on or before January 31, 2017 by remitting certified funds to Creditor in the amount of \$12,779.06.
3. Going forward, Debtor agrees to continue making the regular monthly mortgage payments, and further agrees to remain current on all monthly mortgage payments (currently due for January 1, 2017) in the amount of \$1,399.29/monthly. In the event the regular monthly payment changes for any reason, then the amount due pursuant to this paragraph 3 shall be adjusted accordingly.
4. Parties agree the Relief Order granted on 10/12/2016 at Docket Entry #80 is vacated and the Automatic Stay is reinstated.
5. Payments due in accordance with this Order shall be due on or before the 1<sup>st</sup> day of each month and shall be sent to Ocwen Loan Servicing, LLC, Attn: Payment Processing Department, 1661 Worthington Road, Suite 100, West Palm Beach, FL 34409, making sure that Creditor's loan number appears on all payments.
6. Debtor shall make the regular monthly payments required to the Trustee.
7. In the event Debtor fails to comply with the terms of this Order for more than 30 days, Creditor may submit a certification of default and proposed Order for Relief from the

(page 3)

Debtor: Dalton R. Davis

Case Number: 14-21887-ABA

Caption of Order: Order Approving Stipulation/Conditional Order Resolving the Motion to Reinstate  
the Automatic Stay

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- Automatic Stay (form of Order is attached as Exhibit "A") to the court and serve a copy of such Certification of Default upon the Debtor and Debtor's counsel.
8. Fourteen days after receipt of a Certification of Default, the court will enter an order granting Creditor relief from the automatic stay unless the Debtor has filed an objection to the Certification of Default specifying reasons for the objection; in which case the court will set a hearing on the objection.
  9. The failure by the Creditor, at any time, to file a Certification of Default upon default by the Debtor shall not be construed, nor shall such failure act, as a waiver of any of Creditor's rights hereunder.
  10. Upon issuance of the aforesaid Order, the parties hereto further agree that Creditor may proceed in state court to exercise all rights and remedies available to it as a mortgagee and creditor under state and federal law including, but not limited to, the initiation of and continuation of foreclosure and execution process through sheriff's sale concerning the Property and ejectment thereafter.
  11. In the event Debtor converts to a bankruptcy under Chapter 7 of the Bankruptcy Code then Debtor shall pay all pre-petition arrears and post-petition arrears within 10 days from the date the case is converted. If Debtor fails to make payments in accordance with this paragraph then the Creditor, through Counsel, may file a certification setting forth said failure and the Creditor shall be granted immediate relief from the automatic stay and may also request entry of the form of Order attached as Exhibit "A".

/s/ Moshe Rothenberg, Esq.

MOSHE ROTHENBERG, ESQUIRE  
COUNSEL FOR DEBTOR

/s/Steven P. Kelly, Esquire

STEVEN P. KELLY, ESQUIRE  
STERN & EISENBERG, PC  
ATTORNEY FOR CREDITOR

EXHIBIT A

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

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v.  
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Case Number: 14-21887

Chapter 13

Judge: Andrew B. Altenburg, Jr.

**ORDER GRANTING RELIEF FROM AUTOMATIC STAY AND IN REM RELIEF FOLLOWING  
CERTIFICATION OF DEFAULT OF CONDITIONAL ORDER/STIPULATION**

Upon Motion of HSBC Bank USA, National Association, as Indenture Trustee of the Fieldstone Mortgage Investment Trust, Series 2005-3, by its servicer Ocwen Loan Servicing, LLC (Creditor) for relief and a Certification of Default having been filed in accordance with the Order/Stipulation Resolving the Motion, it is hereby ORDERED AND DECREED that Movant, HSBC Bank USA, National Association, as Indenture Trustee of the Fieldstone Mortgage Investment Trust, Series 2005-3, by its servicer Ocwen Loan Servicing, LLC (Creditor) (and any assignee/successor-in-interest) is granted relief from the stay of 11 U.S.C. §362, et al. to proceed with its mortgage foreclosure action and Sheriff's Sale (and all other rights under state and federal law) concerning the Property: 219 South Second Street, Vineland, NJ 08360 ("Property")

It is further ORDERED and DECREED that the 14-day stay pursuant to BKRP 4001(a)(3) is hereby waived.

**Certificate of Notice Page 5 of 5**  
 United States Bankruptcy Court  
 District of New Jersey

In re:  
 Dalton R. Davis  
 Debtor

Case No. 14-21887-ABA  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-1

User: admin  
 Form ID: pdf903

Page 1 of 1  
 Total Noticed: 1

Date Rcvd: Jan 26, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 28, 2017.

db +Dalton R. Davis, 16 Northwood Drive, Vineland, NJ 08360-4108

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
 NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jan 28, 2017

Signature: /s/Joseph Speetjens

**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 26, 2017 at the address(es) listed below:

Andrew L. Spivack on behalf of Creditor WELLS FARGO BANK, N.A. nj.bkecf@fedphe.com  
 Andrew L. Spivack on behalf of Creditor Wells Fargo Bank, NA nj.bkecf@fedphe.com  
 Anthony L. Velasquez on behalf of Creditor FNA Jersey BOI LLC avelasquez@tryko.com  
 Denise E. Carlon on behalf of Creditor The Bank of New York Mellon, Et Al...  
 dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com  
 Frances Gambardella on behalf of Creditor The Bank of New York Mellon, as Trustee for CIT  
 Mortgage Loan Trust 2007-1, by Caliber Home Loans, Inc., f/k/a Vericrest Financial, Inc., as its  
 attorney in fact bankruptcynotice@zuckergoldberg.com  
 Isabel C. Balboa ecfmil@standingtrustee.com, summarymail@standingtrustee.com  
 Isabel C. Balboa on behalf of Trustee Isabel C. Balboa ecfmil@standingtrustee.com,  
 summarymail@standingtrustee.com  
 Joshua I. Goldman on behalf of Creditor The Bank of New York Mellon, Et Al...  
 jgoldman@kmlawgroup.com, bkgroup@kmlawgroup.com  
 Joshua I. Goldman on behalf of Creditor BANK OF AMERICA, N.A. jgoldman@kmlawgroup.com,  
 bkgroup@kmlawgroup.com  
 Moshe Rothenberg on behalf of Debtor Dalton R. Davis mosherothenbergbkesq@gmail.com,  
 alyson@mosherothenberg.com  
 Sean M. O'Brien on behalf of Creditor Wells Fargo Bank, N.A., as Trustee, in trust for the  
 registered holders of MASTR Asset Backed Securities Trust 2007-NCW, Mortgage Pass-Through  
 Certificates sobrien@flwlaw.com  
 Sean M. O'Brien on behalf of Creditor Wells Fargo Bank, N.A., as Trustee, on behalf of the  
 registered holders of MASTR Asset Backed Securities Trust 2007-NCW, Mortgage Pass-Through  
 Certificates Series 2007-NCW sobrien@flwlaw.com  
 Steven K. Eisenberg on behalf of Creditor HSBC Bank USA, National Association, as Indenture  
 Trustee, by its servicing agent, Ocwen Loan Servicing, LLC bkecf@sterneisenberg.com,  
 jmcnally@sterneisenberg.com;skelly@sterneisenberg.com;bkecf@sterneisenberg.com  
 Steven K. Eisenberg on behalf of Creditor The Bank of New York Mellon, as Trustee for CIT  
 Mortgage Loan Trust 2007-1 bkecf@sterneisenberg.com,  
 jmcnally@sterneisenberg.com;skelly@sterneisenberg.com;bkecf@sterneisenberg.com  
 Steven K. Eisenberg on behalf of Creditor HSBC BANK USA, NATIONAL ASSOCIATION  
 bkecf@sterneisenberg.com,  
 jmcnally@sterneisenberg.com;skelly@sterneisenberg.com;bkecf@sterneisenberg.com  
 Steven P. Kelly on behalf of Creditor HSBC Bank USA, National Association, as Indenture  
 Trustee, by its servicing agent, Ocwen Loan Servicing, LLC skelly@sterneisenberg.com,  
 bkecf@sterneisenberg.com

TOTAL: 16